

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Crim. No. 08-156 (JNE/SRN)  
ORDER

Michael Lavaughn Balance (1),  
James Edwin Nielsen, Jr. (2), and  
Jordan Mark O'Brien (3),

Defendants.

In a Report and Recommendation dated September 15, 2008, the Honorable Susan R. Nelson, United States Magistrate Judge, recommended that Defendant Nielsen's motions to suppress, Defendant Balance's motions for severance and to suppress, and Defendant O'Brien's motions to suppress be denied. Defendants objected to the recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Nielsen's Motion to Suppress Statements [Doc. No. 34] is DENIED AS MOOT.
2. Nielsen's Motion to Suppress Evidence Obtained as a Result of Illegal Searches [Docket No. 35] is DENIED.
3. Nielsen's Motion to Suppress Any Identifications [Doc. No. 36] is DENIED AS MOOT.
4. Balance's Motions for Severance of Counts and Defendants [Doc. Nos. 48 and 71] are DENIED.
5. Balance's Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Doc. No. 49] is DENIED
6. Balance's Motion to Suppress Confessions and Statements in the Nature of Confessions [Doc. No. 70] is DENIED.
7. O'Brien's Motion to Suppress Search and Seizure of Evidence [Doc. No. 65] is DENIED.

8. O'Brien's Motion to Suppress Confession or Statements in the Nature of Confessions [Doc. No. 66] is DENIED.

Dated: October 6, 2008

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge